

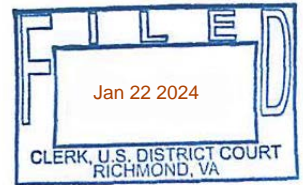
UNITED STATES DISTRICT COURT

for the

Eastern District of Virginia

United States of America
v.
DEVONTAE LAMONT ROYAL

Case No. 3:24mj10



Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of April 13, 2023 in the county of Richmond in the
Eastern District of Virginia, the defendant(s) violated:

*Code Section**Offense Description*

Title 18, U.S.C. Section 922(g)(1)

Felon in Possession of Firearm Ammunition

This criminal complaint is based on these facts:

See Attached Affidavit

☒ Continued on the attached sheet.

Reviewed by AUSA/SAUSA:

Stephen E. Anthony, Asst. U.S. Attorney

Complainant's signature

Kelly J. Foti, Special Agent, FBI

Printed name and title

Sworn to before me and signed in my presence.

Date: 01/22/2024
*Judge's signature*City and state: Richmond, Virginia

Hon. Mark R. Colombell, U.S. Magistrate Judge

Printed name and title

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

UNITED STATES OF AMERICA)	<u>UNDER SEAL</u>
)	
v.)	Criminal No. 3: 24mj10
)	
DEVONTAE LAMONT ROYAL,)	
)	
<i>Defendant.</i>)	

**AFFIDAVIT IN SUPPORT OF AN APPLICATION
FOR A CRIMINAL COMPLAINT AND ARREST WARRANT**

I, Kelly Foti being duly sworn, depose and say:

INTRODUCTION

1. I am a Special Agent and have been employed by the Federal Bureau of Investigation ("FBI") since January 2020. I am currently assigned to the Eastern District of Virginia, Richmond Division. As part of my duties, I investigate violations of federal law, including violent crimes, robberies, kidnappings, carjacking, and special federal jurisdiction crimes. I have gained experience in the conduct of such investigations through training in seminars, classes, and everyday work related to conducting these types of investigations. As a federal agent, I am authorized to investigate violations of laws of the United States and to execute warrants issued under the authority of the United States. I have personally participated in the execution of arrest and search warrants. I am authorized to obtain and execute federal arrest, search and seizure warrants.

2. The statements contained in this Affidavit are based in part on: information provided by other agencies, written reports about this and other investigations that I have received, directly or indirectly, from other law enforcement agents; independent investigation; and my

experience, training, and background as a Special Agent with the FBI. Because this Affidavit is being submitted for the limited purpose of establishing probable cause to believe that Devontae Lamont ROYAL committed the below-described offense, I have not included every detail of the investigation. In addition, unless otherwise indicated, all statements contained in this Affidavit are summaries, in substance and in part. The following is true to the best of my knowledge and belief.

3. I present this affidavit in support of a Criminal Complaint alleging a violation of Title 18, United States Code, Section 922(g)(1), Felon in Possession of Firearm Ammunition by Devontae Lamont ROYAL.

Facts and Circumstances

4. On May 6, 2022, at 0115 hours, Richmond Police Emergency Communication received two calls for random gunfire in the 2200 Block of Chateau Drive. Units arrived on scene and located the victim (Marcus Smith) down beside a red Chevrolet Impala and the victim was pronounced deceased at 0126 hours. Upon looking at the victim's vehicle, there were several bullet holes on the outside and inside of the vehicle.

5. Inside the vehicle were a firearm, cartridge casings, and possible fake US Currency. This included eight (8) 9mm cartridge casings and nine (9) one-hundred-dollar bills with blood on them and marked "not legal tender and movie prop use only." Also recovered was a jar of premium Moon Rocks (marijuana) and a digital scale with marijuana residue. The vehicle had bullet holes in the windshield, hood, driver's side door frame, and rear passenger side door frame.

6. Upon reviewing the victim's cell phone, law enforcement discovered a text message of interest between the victim's phone and a phone number of 434-294-4394. The

text message reads, "U want some moon rock too." There is then another text message reading, "I found it now if u wanna meet bck up." A location of 4718 Jeff Davis Highway was sent at 0006 hours. Officers encountered the victim and his vehicle at the 7-11 store located at 4718 Jeff Davis Highway.

7. The victim's wife provided Detective Reese with the phone number 434-294-4394 from the victim's Cashapp application. The Cash App Account for that number is "\$Li1Vontae0517." Using law enforcement databases, the phone number was connected to previous police reports with Devontae ROYAL, date of birth 01/01/2002, aka "Von".

8. On June 30, 2022, Investigator Barlow (Forensics investigator with Richmond Police Department) received notification from the Department of Forensic Science that the lab was able to lift a print from the money recovered from the victim's vehicle with a print coming back to Devontae Lamont ROYAL, date of birth 01/01/2002.

9. On July 16, 2022, tower information received from a search warrant from Verizon showed a phone call between ROYAL and the victim at 0101 hours, (14) minutes before the murder. Another call was received five (5) minutes before the murder which puts the phone on the same tower, in the area of the murder.

10. On February 14, 2023, the felony conviction of Grand Larceny, offense date: 07/26/2019, for Devontae Lamont ROYAL was confirmed and Probation Officer Bradley sent over the conditions of ROYAL's probation. The conditions prohibit ROYAL from possessing firearms or ammunition and it is signed by Devontae ROYAL on July 1, 2020. The Commonwealth of Virginia has not restored Devontae ROYAL's rights to possess, ship, transport or receive firearms.

11. On April 13, 2023, search warrants were executed on ROYAL's primary residences, 11830 N Lodore Road, Amelia Courthouse Road, Virginia, 23002, and 14901 Creekpoint Circle, Apt B, Midlothian, Virginia, 23114. During the search warrants, four (4) firearms were seized from the Lodore residence and one (1) .22 caliber Rifle, one (1) .22 caliber magazine containing ammunition, 9mm ammunition, and pay stubs pertaining to ROYAL were seized from a backpack at the Creekpoint address. ROYAL was not present at either address at the time of the search warrant execution. Probation Officer Bradley issued a major violation on ROYAL after the execution of the warrants.

12. On April 18, 2023, ROYAL missed a required in person appointment with his probation officer. On June 20, 2023, the Defendant was taken into custody by the U.S. Marshals in Chesterfield County on outstanding warrants related to an incident alleged to have occurred on March 31, 2023, involving a stolen vehicle and assault of a law enforcement officer in Chesterfield County. After being taken into custody, ROYAL was interviewed by two RPD Detectives and a FBI Agent. The interview was video recorded. ROYAL was apprised of his Miranda Rights, which he stated he knew and understood. When ROYAL was initially asked about the killing of Marcus Smith, ROYAL stated he was in Virginia Beach at the time and did not know Marcus Smith.

13. However, later in the interview, ROYAL acknowledged his involvement in the killing, stating, "drug deal went wrong. Think money came up short or something. Dead guy pulled a gun out. Dude shot first." When asked what kind of firearm he had, ROYAL stated, "9-millimeter." He stated Smith's firearm was all black and was in the center console of Smith's vehicle. ROYAL stated he was in the front passenger seat of Smith's vehicle. He then stated "money situation went bad, exchange went bad, I reached for the

door, light came on. After light came on, I just seen him reach. By the time I closed the door, I heard the shot went off.” ROYAL denied knowing anything about the counterfeit bills. He did state he intended to buy \$10 or \$20 of “moonrock” from Smith. ROYAL was then asked if he felt better after confessing to his involvement, to which he replied “hell naw I don’t. It’s scary when you getting shot at and you don’t know what else to do. But it’s even more scary when you don’t even supposed to have a gun and you are on papers. It’s gonna hurt me even more.” ROYAL then acknowledged that he signed a paper with his probation officer, and he knew he was not supposed to possess a firearm. When asked what ROYAL did with the firearm after the incident, he stated he threw it out a car window.

14. During the interview, ROYAL acknowledged that he kept items at his sister’s apartment at the Creekpoint address. During the search warrant, 9-millimeter (mm) ammunition was found inside a backpack at the Creekpoint apartment with pay stubs with ROYAL’s name on it. ROYAL stated, “around the time it [ammunition] is expensive and you can get your hands on it, you can be like how much do you need?” When asked how much he would sell 10 rounds of 9mm ammunition for, ROYAL stated, “Give me a \$100.”

15. The 9mm ammunition found at the Creekpoint address was Winchester 9mm Luger, Remington Peters 9mm Luger, and Nosler 9mm Luger. According to Winchester’s website, all Winchester’s ammunition is manufactured in facilities in Oxford, Mississippi and East Alton, Illinois. According to Remington’s website, all Remington ammunition is loaded in Lonoke, Arkansas. According to Nosler’s website, all Nosler ammunition is manufactured in Bend, Oregon. Based on these facts and circumstances, the 9mm ammunition found in the backpack with ROYAL’s other belongings travelled in and affected interstate and foreign commerce.

CONCLUSION

16. Based on a review of this case, and based on my knowledge and experience, I, as your Affiant have probable cause to believe Devontae Lamont ROYAL, committed the crime of Title 18, United States Code, Section 922(g)(1), Felon in Possession of Firearm Ammunition.

17. In consideration of the foregoing, I respectfully request that this Court issue a Criminal Complaint and Arrest Warrant for Devontae Lamont ROYAL.



Kelly Foti
Special Agent
Federal Bureau of Investigation

Sworn to and subscribed this 22nd day of January 2024.



Hon. Mark R. Colombell
U.S. Magistrate Judge